

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-154-RJC-DCK**

PHILLIP DUANE CARRIKER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on the “United States’ Motion For Attorneys’ Fees and Extension Of Time To File Declaration Of Costs” (Document No. 25) filed December 4, 2015. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

On January 7, 2016, the Court *sua sponte* allowed Plaintiff additional time to file a response to the pending motion for attorneys’ fees. See (Document Nos. 25 and 27). Since then, the Court has docketed Plaintiff’s “Notice Of Appeal” (Document No. 28). By his “Notice Of Appeal,” Plaintiff indicates that he is appealing the Court’s “Order” (Document No. 23), ruling on summary judgment, to the United States Court of Appeals for the Fourth Circuit. (Document No. 28).

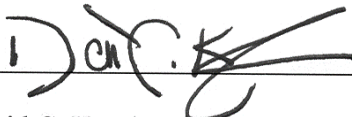
Based on the foregoing, the undersigned finds that efficient case management and judicial economy are best served if the pending “United States’ Motion For Attorneys’ Fees and Extension Of Time To File Declaration Of Costs” (Document No. 25) is denied, without prejudice to Defendants filing a renewed motion for the same relief, if appropriate, after the Fourth Circuit has resolved the pending appeal. As such, Plaintiff is no longer expected to file a response to the motion for attorneys’ fees.

IT IS, THEREFORE, ORDERED that the “United States’ Motion For Attorneys’ Fees and Extension Of Time To File Declaration Of Costs” (Document No. 25) is **DENIED WITHOUT PREJUDICE**, as explained herein.

The Clerk of Court is directed to send a copy of this Order to the *pro se* Plaintiff by certified U.S. Mail, return receipt requested.

SO ORDERED.

Signed: January 8, 2016



David C. Keesler
United States Magistrate Judge

